

IN THE DRAWINGS

The attached sheets of drawings are new Figs. 1-10. These sheets, which include Figs. 1-10, replace the original sheets including Figs. 1-10.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending in the present application, Claims 1-14 having been amended. The amendments to Claims 1-14 are self-evident matters of form and Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, the drawings were objected to; the Abstract was objected to; Claims 11-14 were objected to under 35 CFR §1.75(c) as improper multiple dependent claims; Claims 1-3, 6, and 7 were rejected under 35 U.S.C. §102(e) as anticipated by Kittaka et al. (U.S. Patent Publication No. 2002/0197042, hereinafter Kittaka); Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Kittaka in view of Cotteverte et al. (U.S. Patent No. 6,542,682, hereinafter Cotteverte); and Claims 4 and 8-10 were objected to for depending from a rejected base claim, but were otherwise indicated as including allowable subject matter.

Applicant thanks the Examiner for the indication of allowable subject matter. In light of this indication, Claim 4 is rewritten in independent form.

With respect to the object of the drawings, new formal drawings are submitted herewith. Accordingly, Applicant respectfully submits that the objection to the drawings is overcome.

With respect to the objection to the Abstract, a new Abstract is submitted herewith. Accordingly, Applicant respectfully submits that the objection to the Abstract is overcome.

With respect to the objection of Claims 11-14 under 37 CFR §1.75(c) as improper multiple dependent claims, Claims 11-14 are amended to remove improper multiple dependencies. Accordingly, Applicant respectfully submits that the objection to Claims 11-

14 is overcome and Applicant respectfully requests that Claims 11-14 be examined on the merits.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(e) as anticipated by Kittaka, Applicants respectfully traverse the rejection because Kittaka does not describe or suggest every element of Claim 1. Claim 1 recites

A two-dimensional photonic crystal formed by a periodical two-dimensional arrangement of plural unit lattices, comprising:

a prism-shaped first dielectric area arranged at each lattice point of each unit lattice;

a prism-shaped second dielectric area arranged at an approximate center of each unit lattice; and

a third dielectric area adjacent to and around the first and second dielectric areas.

Kittaka does not disclose or suggest that the first dielectric area and the second dielectric area are “prism-shaped.” On the contrary, Kittaka only discloses that a two-dimensional photonic crystal structure has a first end surface serving as a light incidence surface, and a second end surface serving as a light emergence surface, wherein at least part of the light emergence surface is inclined relative to the light incidence surface.¹ Kittaka further discloses that “the *structure* is processed into a prism-like shape” (emphasis added).² Thus, Kittaka only discloses that the entire photonic crystal structure may have a prism-shape. Kittaka does not disclose or suggest that a first dielectric area arranged at each lattice point of the unit lattice is prism-shaped, and that a second dielectric area arranged at an approximate center of each unit lattice is prism-shaped.

¹ Kittaka, claim 2. See also Fig. 15.

² Kittaka, paragraph [0084].

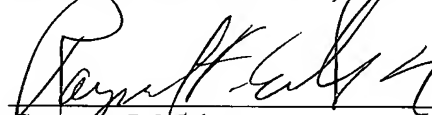
The outstanding Office Action takes the position that material B in Fig. 10 equates to the first dielectric area, and that material C equates to the second dielectric area. However, Kittaka does not describe or suggest that material B and C are prism-shaped. Materials B and C are square-shaped, and not prism-shaped.³

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2, 3, 5-7, and 11-14 that depend from Claim 1) patentably distinguish over Kittaka for the same reasons as Claim 1 and because, relative to Claim 5, Cotteverte does not cure the above-noted distinctions in Kittaka.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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³ Kittaka, paragraph [0083]. *See also*, Fig. 10.